

YOUTH SERVICES POLICY

Title: Americans With Disabilities Act (Youth) Next Annual Review Date: 04/23/2013	Type: B. Classification, Sentencing and Service Functions Sub Type: 8. Youth Related Services Number: B.8.8
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References: Americans with Disabilities Act of 1990, ACA Standards 4-JCF-5B-05 (Performance-Based Standards for Juvenile Correctional Facilities); Federal Register, July 26, 1991 (28 CFR Part 35); Nondiscrimination on the Basis of Disability in State and Local Services - Final Rule; and YS Policy No. B.5.3 "Administrative Remedy Procedure"	
STATUS: Approved	
Approved By: Mary L. Livers, Deputy Secretary	Date of Approval: 04/23/2012

I. AUTHORITY:

Deputy Secretary of Youth Services as contained in La. R.S. 36:405. Deviation from this policy must be approved by the Deputy Secretary.

II. PURPOSE:

To establish the Deputy Secretary's commitment to compliance with the Americans with Disabilities Act as it pertains to services and programs for youth in the custody and/or under the supervision of Youth Services (YS).

III. APPLICABILITY:

Deputy Secretary, Assistant Secretary, Undersecretary, Deputy Undersecretary, Chief of Operations, Deputy Assistant Secretaries, Facility Directors, Regional Managers, Central Office Youth ADA Coordinator and all youth assigned to or under the supervision of YS.

IV. DEFINITIONS:

Americans with Disabilities Act (ADA) – a comprehensive law passed by Congress to protect disabled persons from discrimination in employment, hiring, transportation, access to public facilities and services, and telecommunications.

Disability – with respect to an individual, the term "disability" means:

- a physical or mental impairment that substantially limits one or more of the major life activities of such individual;
- a record of such impairment; or
- being regarded as having such impairment.

Regional Managers - Managers of the Community-Based Services (CBS) field offices located throughout the state.

YS Central Office - Offices of the Deputy Secretary, Assistant Secretary, Undersecretary, Chief of Operations, Deputy Assistant Secretaries, and their support staff.

V. POLICY:

It is the Deputy Secretary's policy to provide youth with access to housing, programs and services regardless of disability to the extent possible within the context of YS fundamental mission to preserve the safety of the public, staff and youth, and consistent with other classification variables that may affect custody, living area and program assignments.

Access to living areas, programs, and services includes the initiation and provision of reasonable accommodations including, but not limited to, facility modifications, assistive equipment and devices, and interpreter services. However, such accommodation should not constitute a danger to the youth or others.

VI. PROCEDURES:

- A. A youth with a disability may be able to function without any accommodation other than that which may already have been provided. If additional accommodation is necessary, a request for same should be addressed to the Facility Director (if secure care) or Regional Manager (if non-secure care) for consideration and appropriate action. The request may be oral or written. The "Youth Request for Accommodation" form [see Attachment B.8.8 (a)] should be initiated for each request.
- B. The Facility Director/Regional Manager shall forward the completed "Youth Request for Accommodation" form, with attachments, to the Deputy Undersecretary/designee for review, who shall work with the Facility Director/Regional Manager regarding any concerns. If it is believed the accommodation cannot be reasonably accomplished, the Facility Director/Regional Manager shall forward the case file with an action plan to the Deputy Secretary/designee for review.
- C. If a youth is not satisfied with the results of the request for accommodation, he may seek relief through the Administrative Remedy Procedure (ARP) in accordance with YS Policy No. B.5.3.

Previous Regulation/Policy Number: B.8.8
Previous Effective Date: 2/14/2011



Attachments/References: B 8 8 (a) YOUTH REQUEST FOR ACCOMMODATION - April,2012.docx